IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.7588/06
Kaum Singh Vs. Board of Revenue & Ors.

23.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Jitendra Sharma for petitioner.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 7.9.2006 passed by the Board of Revenue on his application for transfer of the appeal no.115/06 filed at the instance of the private respondents from the Court of Revenue Appellate Authority, Jhunjhunu to some other authority. The request was made

on the premise that the petitioner did not have faith in the Presiding Officer Modaram Detha. The argument of the learned counsel for the petitioner is that the appeal before the authority was filed on 13.7.2006 whereas the caveat had been filed on 11.7.2006. The date fixed in the appeal was 24.7.2006. Service of the notice was affected on the advocate of the petitioner and he appeared on 24.7.2006. The argument of the learned counsel for the petitioner is that the service of notice ought to have been made on the petitioner as well and not just on his Advocate. The learned Revenue Board found that while sending registered notices, if apart from

sending notice on the caveator, a notice has also to be send to his Advocate, this cannot be taken as a ground for bias as it was a matter of routine. The learned counsel then relied on the order dated 24.7.2006 passed by the very same Presiding Officer in which he while recording the argument of counsel for the petitioner made before him that the petitioner did not have any faith in him and therefore wanted the matter to be transferred to the other Court referred the matter to the Revenue Board for being transferred to some other Revenue Appellate Authority. Learned counsel submitted that this order has not at all been considered

by the Board of Revenue while deciding the transfer application of the petitioner.

Having considered the arguments of learned counsel for the petitioner and perused the impugned order, I find that there is no justification for the petitioner to pray for transfer of the matter particularly when the nature of irregularity if at all that can be said to be one, was such which had occasioned at the ministerial level and not by the Presiding Officer. Even if the order dated 24.7.2006 where the Presiding Officer has himself referred the matter to the Board of Revenue was not considered, the fact remains that this order only shows the bona fides

on the part of the Presiding Officer where he himself expressed in favour of transferring the matter to some other Court. The transfer of the matter cannot be asked for so lightly and cannot be made on the mere ipsi-dixit of a litigant.

Thus there being no merit in this writ petition, the same is dismissed.

(Mohammad Rafiq),J.

Rs/-